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PROCEEDINGS

OF THE

American Society of International Law

AT ITS

FIFTH ANNUAL MEETING

HELD AT

WASHINGTON, D. C.

APRIL 27-29, 1911

BAKER, VOORHIS & CO., PUBLISHERS,
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1911

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THE AMERICAN SOCIETY OF INTERNATIONAL LAW.



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CONSTITUTION
OF THE
AMERICAN SOCIETY OF INTERNATIONAL LAW¹

ARTICLE I.

Name.

This Society shall be known as the AMERICAN SOCIETY OF INTERNATIONAL LAW.

ARTICLE II.

Object.

The object of this Society is to foster the study of International Law and promote the establishment of international relations on the basis of law and justice. For this purpose it will cooperate with other societies in this and other countries having the same object.

ARTICLE III.

Membership.

Members may be elected on the nomination of two members in regular standing by vote of the Executive Council under such rules and regulations as the Council may prescribe.

Each member shall pay annual dues of five dollars and shall thereupon become entitled to all the privileges of the Society, including

¹ The history of the origin and organization of the American Society of International Law can be found in the Proceedings of the First Annual Meeting, at page 23.

The Constitution was adopted January 12, 1906.

a copy of the publications issued during the year. Upon failure to pay the dues for the period of one year a member may, in the discretion of the Executive Council, be suspended or dropped from the rolls of membership.

Upon payment of one hundred dollars any person otherwise entitled to membership may become a life-member and shall thereupon become entitled to all the privileges of membership during his life.

A limited number of persons not citizens of the United States and not exceeding one in any year, who shall have rendered distinguished service to the cause which this Society is formed to promote, may be elected to honorary membership at any meeting of the Society on the recommendation of the Executive Council. Honorary members shall have all the privileges of membership, but shall be exempt from the payment of dues.

ARTICLE IV.

Officers.

The officers of the Society shall consist of a President,² nine or more Vice-Presidents, the number to be fixed from time to time by the Executive Council, a Recording Secretary, a Corresponding Secretary and a Treasurer, who shall be elected annually, and of an Executive Council composed of the President, the Vice-Presidents, *ex-officio*, and twenty-four elected members, whose term of office shall be three years, except that of those elected at the first election, eight shall serve for the period of one year only and eight for the period of two years, and that any one elected to fill a vacancy shall serve only for the unexpired term of the member in whose place he is chosen.

The Recording Secretary, the Corresponding Secretary and the Treasurer shall be elected by the Executive Council from among its members. The other officers of the Society shall be elected by the Society, except as hereinafter provided for the filling of vacancies occurring between elections.

At every annual election candidates for all the offices to be filled

² See *Amendments*, Article I, p. 10.

by the Society at such election shall be placed in nomination by a Nominating Committee of five members of the Society previously appointed by the Executive Council, except that the officers of the first year shall be nominated by a committee of three appointed by the Chairman of the meeting at which this Constitution shall be adopted.

All officers shall be elected by a majority vote of members present and voting.

All officers of the Society shall serve until their successors are chosen.

ARTICLE V.

Duties of Officers.

1. The President shall preside at all meetings of the Society and of the Executive Council and shall perform such other duties as the Council may assign to him. In the absence of the President at any meeting of the Society his duties shall devolve upon one of the Vice-Presidents to be designated by the Executive Council.

2. The Secretaries shall keep the records and conduct the correspondence of the Society and of the Executive Council and shall perform such other duties as the Council may assign to them.

3. The Treasurer shall receive and have the custody of the funds of the Society and shall disburse the same subject to the rules and under the direction of the Executive Council. The fiscal year shall begin on the first day of January.

4. The Executive Council shall have charge of the general interests of the Society, shall call regular and special meetings of the Society and arrange the programmes therefor, shall appropriate money, shall appoint from among its members an Executive Committee and other committees and their chairmen, with appropriate powers, and shall have full power to issue or arrange for the issue of a periodical or other publications, and in general possess the governing power in the Society, except as otherwise specifically provided in this Constitution. The Executive Council shall have the power to fill vacancies in its membership occasioned by death, resignation, failure to elect.

or other cause, such appointees to hold office until the next annual election.

Nine members shall constitute a quorum of the Executive Council, and a majority vote of those in attendance shall control its decisions.

5. The Executive Committee shall have full power to act for the Executive Council when the Executive Council is not in session.

6. The Executive Council shall elect a Chairman who shall preside at its meetings in the absence of the President, and who shall also be Chairman of the Executive Committee.

ARTICLE VI.

Meetings.

The Society shall meet annually at a time and place to be determined by the Executive Council for the election of officers and the transaction of such other business as the Council may determine.

Special meetings may be held at any time and place on the call of the Executive Council or at the written request of thirty members on the call of the Secretary. At least ten days' notice of such special meeting shall be given to each member of the Society by mail, specifying the object of the meeting, and no other business shall be considered at such meeting.

Twenty-five members shall constitute a quorum at all regular and special meetings of the Society and a majority vote of those present and voting shall control its decisions.

ARTICLE VII.

Resolutions.

All resolutions which shall be offered at any meeting of the Society shall, in the discretion of the presiding officer, or on the demand of three members, be referred to the appropriate committee or the Council, and no vote shall be taken until a report shall have been made thereon.

ARTICLE VIII.

Amendments.

This Constitution may be amended at any annual or special meeting of the Society by a majority vote of the members present and voting. But all amendments to be proposed at any meeting shall first be referred to the Executive Council for consideration and shall be submitted to the members of the Society at least ten days before such meeting.

AMENDMENTS.

ARTICLE I.³

Article VI is hereby amended by inserting after the words "The officers of the Society shall consist of a President," the words "an Honorary President."

³ This amendment was adopted at the business meeting held April 24, 1909.

OFFICERS
OF THE
AMERICAN SOCIETY OF INTERNATIONAL LAW
FOR THE YEAR 1911-1912

HONORARY PRESIDENT

HON. WILLIAM H. TAFT

PRESIDENT

HON. ELIHU ROOT

VICE-PRESIDENTS

CHIEF JUSTICE WHITE

JUSTICE WILLIAM R. DAY

HON. P. C. KNOX

MR. ANDREW CARNEGIE

HON. JOSEPH H. CHOATE

HON. JOHN W. FOSTER

HON. GEORGE GRAY

HON. JOHN W. GRIGGS

HON. WILLIAM W. MORROW

HON. RICHARD OLNEY

HON. HORACE PORTER

HON. OSCAR S. STRAUS

HON. SHELBY M. CULLOM

HON. JACOB M. DICKINSON

HON. JAMES B. ANGELL

EXECUTIVE COUNCIL

TO SERVE UNTIL 1912

Chandler P. Anderson, Esq., New York

Charles Henry Butler, Esq., D. C.

Prof. George W. Kirchwey, New York

Robert Lansing, Esq., New York

Prof. John Bassett Moore, New York

Jackson H. Ralston, Esq., D. C.

James Brown Scott, Esq., D. C.

Prof. George G. Wilson, Rhode Island

TO SERVE UNTIL 1913

Hon. Augustus O. Bacon, Georgia

Hon. Frank C. Partridge, Vermont

Prof. Leo S. Rowe, Pennsylvania

F. R. Coudert, Esq., New York

Everett P. Wheeler, Esq., New York

Hon. Edwin Denby, Michigan

Alpheus H. Snow, Esq., D. C.

Prof. William R. Manning, Texas

TO SERVE UNTIL 1914

Hon. Richard Bartholdt, Missouri

Gen. George B. Davis, D. C.

Prof. Charles Noble Gregory, D. C.

Hon. A. J. Montague, Virginia

Rear Admiral Charles H. Stockton, D. C.

Charles B. Warren, Esq., Michigan

Hon. John Sharp Williams, Mississippi

Prof. Theodore S. Woolsey, Connecticut

EXECUTIVE COMMITTEE

HON. ELIHU ROOT	ROBERT LANSING, ESQ.
HON. GEORGE GRAY	PROF. JOHN BASSETT MOORE
PROF. GEORGE W. KIRCHWEY	PROF. GEORGE G. WILSON
HON. OSCAR S. STRAUS	

EX-OFFICIO

HON. JOHN W. FOSTER, CHAIRMAN
 JAMES BROWN SCOTT, RECORDING SECRETARY
 CHARLES HENRY BUTLER, CORRESPONDING SECRETARY
 CHANDLER P. ANDERSON, TREASURER

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Standing Committee for Selection of Honorary Members: George G. Wilson. Chairman; Jackson H. Ralston, Theodore S. Woolsey.

Standing Committee on Increase of Membership: James Brown Scott, Chairman; Charles Cheney Hyde, John H. Latané, Jesse S. Reeves, Theodore S. Woolsey.

Auditing Committee: Jackson H. Ralston, Walter S. Penfield.

Committee on Codification: Elihu Root, Chairman, *ex-officio*; Chandler P. Anderson. Charles Henry Butler, Charles Noble Gregory, Robert Lansing, Paul S. Reinsch, Leo S. Rowe, James Brown Scott, George G. Wilson.

Committee on Publication of the Proceedings of the Fifth Annual Meeting: George A. Finch, Otis T. Cartwright.

Committee on Sixth Annual Meeting: James Brown Scott, Chairman; Clement L. Bouvé, Robert Lansing, A. J. Montague, Alpheus H. Snow.

is in the libraries, going to London, to Berlin, to Paris, and many other places, to make researches in international law.

You know, from publications that he has issued, how accurately he studies such questions; and you have in your periodical of this Society a very interesting paper from him upon one of your best jurists — Dr. Lieber.

I thank you very much for the great honor accorded to my country, and I am sure that my friend Professor Nys will feel well pleased and highly honored at the action you have taken this morning.

ELECTION OF OFFICERS.

I call, now, for the report of the Committee on Nominations.

Mr. PARTRIDGE. I am directed by the Committee on Nominations to propose to the Society the following names for officers:

Honorary President,

Hon. William H. Taft.

President,

Hon. Elihu Root.

Vice-Presidents,

Chief Justice White,
Justice William R. Day,

Hon. P. C. Knox,

Mr. Andrew Carnegie,

Hon. Joseph H. Choate,

Hon. John W. Foster,

Hon. George Gray,

Hon. John W. Griggs,

Hon. William W. Morrow,

Hon. Richard Olney.

Hon. Horace Porter,

Hon. Oscar S. Straus,

Hon. Shelby M. Cullom,

Hon. Jacob M. Dickinson,

Hon. James B. Angell.

For members of the Executive Council to serve until 1914:

Hon. Richard Bartholdt, Missouri.

Gen. George B. Davis, District of Columbia.

Prof. Charles Noble Gregory, Iowa.

Hon. A. J. Montague, Virginia.

Rear Admiral Charles H. Stockton, District of Columbia.

Charles B. Warren, Esq., Michigan.

Hon. John Sharp Williams, Mississippi.

Prof. Theodore S. Woolsey, Connecticut.

For member of the Executive Council to serve until 1913, to fill vacancy caused by election of Hon. James B. Angell to vice-presidency:

Prof. William R. Manning, Texas.

(The nominations above made were duly seconded.)

MR. AYMAR. I move that the Secretary be directed to cast a single ballot for the members that have been proposed by the Chairman of the Nominating Committee as the officers of this Society.

(The motion was seconded and carried.)

MR. SCOTT. The Secretary has cast the ballot in favor of all of the nominations reported by the Committee on Nominations, with the result that each one of the gentlemen has been elected for the respective position for which he was proposed.

THE CHAIRMAN. There will be a meeting of the Executive Council at the end of this morning's session.

REPORT OF COMMITTEE ON CODIFICATION

We will now continue the program. The next business in order is the consideration of the report of the Committee on Codification.

MR. SCOTT. Mr. Chairman, I should like to call to the attention of the Society the action of the Committee on Codification which was had yesterday.

At a meeting of the Committee on Codification, the President of the Society, Mr. Lansing, and the Secretary were appointed a committee to consider and outline the action to be taken by the Committee on Codification, to appoint additional members to the committee, and to assign portions of the work to various members of the Society in the matter of the codification which the Society has seriously taken